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Rhonda A. Etienne 2/28/03
Rhonda A. Etienne Date

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Achilefu et al.
Serial No.: 09/981,206
Filed: October 17, 2001
Group Art Unit: 1616
Confirmation No.: 5790
Examiner: Jones, Dameron
Title: **CARBOCYANINE DYES FOR TANDEM, PHOTODIAGNOSTIC AND THERAPEUTIC APPLICATIONS**
Our Ref. No.: MRD-74

Cincinnati, OH 45202

February 28, 2003

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT AND PRELIMINARY AMENDMENT

In response to the Office Action mailed February 4, 2003 in the above-referenced application, applicants elect with traverse Group 1 (claims 1-22), drawn to compounds of Formula 3 and uses thereof wherein W_1 and W_2 are $-CR^{10}R^{11}$; Y_1 , Y_2 , Z_1 , and Z_2 are $-(CH_2)_a-CONH-Bm$; X_1 and X_2 are nitrogen; Q is $-O-$; K_1 and K_2 are $-CH_2$; R_1 to R_9 are hydrogen; and R_{10} and R_{11} are $-C(CH_3)_2$.

Please amend the application as follows: